

FILED

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

FEB 12 2008

CLERK
U.S. DISTRICT COURT
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. <u>2:08cr30-WKW</u>
)	[18 USC 371;
GARY FRANKLIN)	18 USC 922(j);
JONATHAN HARRIS)	18 USC 922(u);
)	18 USC 2]
)	
The Grand Jury charges:)	<u>INDICTMENT</u>

COUNT 1 – CONSPIRACY

THE CONSPIRACY AND ITS OBJECTS

1. From on or about March 21, 2006, through on or about May 19, 2006, the exact dates being unknown to the Grand Jury, in Crenshaw County, within the Middle District of Alabama,

**GARY FRANKLIN and
JONATHAN HARRIS,**

defendants herein, did combine, conspire, confederate, and agree among themselves and each other to commit an offense against the United States, to wit: to steal and unlawfully take and carry away firearms from a person and the premises of a person who is licensed to engage in the business of importing, manufacturing and dealing in firearms, in violation of Title 18, United States Code, Section 922(u).

MANNER AND MEANS OF THE CONSPIRACY

2. It was part of the conspiracy that Franklin and Harris agreed to steal firearms from Hicks, Inc., a federally licensed firearms dealer, located at 95 West 3rd Street, Luverne, Alabama, in Crenshaw County, within the Middle District of Alabama.

OVERT ACTS

3. In order to effect the object of the conspiracy, Franklin did a number of overt acts, including:

- (a) in March 2006, Franklin obtained employment with Hicks, Inc.;
- (b) between March 21, 2006, and May 19, 2006, Franklin stole a Ruger, Model P95DC, 9 mm, semi-automatic pistol, serial number 315-35849, from Hicks, Inc, and removed it from the premises of Hicks, Inc.

4. In order to effect the object of the conspiracy, Harris did a number of overt acts, including:

- (a) in March 2006, Harris obtained employment with Hicks, Inc.;
- (b) between March 21, 2006, and May 19, 2006, Harris stole a Taurus, Model PT-25, .25 caliber, semi-automatic pistol, serial number DXK41142, from Hicks, Inc., and removed it from the premises of Hicks, Inc.;
- (c) between March 21, 2006, and May 19, 2006, Harris stole a Taurus, Model PT-22, .22 caliber LR, semi-automatic pistol, serial number AXK34814, from Hicks, Inc., and removed it from the premises of Hicks, Inc.

All in violation of Title 18, United States Code, Section 371.

COUNT 2—THEFT OF FIREARMS FROM FEDERALLY LICENSED DEALER

5. Between on or about March 1, 2006, and on or about May 19, 2006, in Crenshaw County, within the Middle District of Alabama,

**GARY FRANKLIN, and
JONATHAN HARRIS,**

defendants herein, did, while aiding and abetting each other, steal and unlawfully take and carry

away from a person and the premises of a person who is licensed to engage in the business of importing, manufacturing and dealing in firearms, to-wit: Hicks, Inc., 95 West 3rd Street, Luverne, Alabama, firearms in the licensee's business inventory, to-wit:

- 1) a Ruger, Model P95DC, 9 mm, semi-automatic pistol, serial number 315-35849;
- 2) a Taurus, Model PT-25, .25 caliber, semi-automatic pistol, serial number DXK41142;
- 3) a Taurus, Model PT-22, .22 caliber LR, semi-automatic pistol, serial number AXK34814;

all firearms that had been shipped and transported in interstate or foreign commerce. All in violation of Title 18, United States Code, Sections 922(u) and 2.

COUNT 3—POSSESSION OF STOLEN FIREARMS

6. Between on or about March 21, 2006, and on or about July 27, 2006, in Crenshaw County, within the Middle District of Alabama,

JONATHAN HARRIS,

defendant herein, knowingly possessed stolen firearms, to wit:

- 1) a Taurus, Model PT-25, .25 caliber, semi-automatic pistol, serial number DXK41142; and
- 2) a Taurus, Model PT-22, .22 caliber LR, semi-automatic pistol, serial number AXK34814;

which had been shipped and transported in interstate or foreign commerce, knowing and having reasonable cause to believe the firearms were stolen, in violation of Title 18, United States Code, Section 922(j).

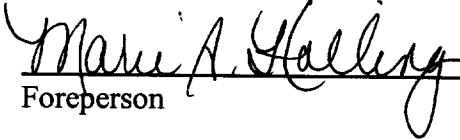
COUNT 4—SALE OF STOLEN FIREARM

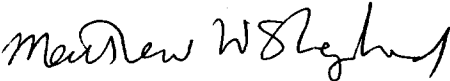
7. Between on or about March 21, 2006, and on or about June 13, 2006, in Butler County, within the Middle District of Alabama,

GARY FRANKLIN,

defendant herein, knowingly sold a stolen firearm, to wit: a Ruger, Model P95DC, 9 mm, semi-automatic pistol, serial number 315-35849, which had been shipped and transported in interstate commerce, knowing and having reasonable cause to believe the firearm was stolen, in violation of Title 18, United States Code, Section 922(j)

A TRUE BILL:


Foreperson



Matthew W. Shepherd
Assistant United States Attorney